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**-Geordie Vining
Massachusetts Department of
Environmental Management**

A Coastal Access Legal and Mediation Service committee reviews the application and comes to a consensus on one of the following options:

- more information is needed
- a referral should be made to mediators
- a referral should be made to attorneys
- an internal resolution should be pursued through state agencies
- a referral is inappropriate.

A legal referral can take many forms. It could be as simple as a title examination or as complex as litigation. The committee selects an attorney from a network of volunteers to handle the case.

If a referral within the service is inappropriate, the committee tries to identify other ways for the applicant to find help.

An obstacle for the new program has been staffing. There is no dedicated staff. Instead, people like Vining work on the project as much as possible while keeping up with other duties.

But every cloud...

"On the other hand," Vining said, "the need to get a lot of different people involved has led to what is really a great strength, which is its interagency nature."

There is now a healthy group of individuals working to bring the program to operational status. With a few assistant attorneys general here, a deputy counsel of the Executive Office of Environmental Affairs (an

umbrella agency including the coastal management program) there, a dispute resolution specialist thrown in for stability, a legal staffer experienced with training workshops, and Vining, there is a solid backbone of interested parties. Toss in some invaluable volunteers and the program has a bright future.

"It's taken months," Vining admits. "We started this [program] in the summer and it's taken until basically now to finally get everyone comfortable and knowledgeable about what we're doing," he said.

The frustration will be worth it, however. Peg Brady, director of the Massachusetts Coastal Zone Management program, points out that there are many things to like about this idea.

"This is a way attorneys who are compelled to do some *pro bono* work can do something focused on public access," she said.

Those attorney can help preserve the public's rights of way along the coast.

The following are case examples:

A beach town owns a piece of property designated for conservation. There exists a history of conflict between the town and a neighborhood association that owns a piece of property next to the one in question. The town erects a sign declaring its property open to the public.

The neighborhood association puts up their own sign, blocking

the town's sign. There are also reports of neighbors harassing people who attempt to use the property to access the beach. After doing some survey work, it is discovered that the neighborhood association is encroaching on town land, but the town is hesitant to go to court. It is looking for a more peaceful alternative.

In another example, a man's elderly mother lives next to a beach access that she had grown accustomed to using. A new owner has entered the picture adjacent to the access; he puts up signs declaring the access private property and bars entry. The man and his mother want to know what their rights are.

Lawyers with the Massachusetts program would perform the title search, and help with whatever legal strategy might be required, if it can be demonstrated there were legal rights due to the public. That, in turn, could take them to a mediator, "because maybe the legal court route is not going to lead to anyone's satisfaction," Vining said.

Lurking behind the optimism the program engenders is the big "B" word: Budget. So far, specific funding for the program hasn't been needed as the primary expense has been staff time.

"We're at the point now [that] it will probably cost some money to put on these training sessions, and hire some trainers. We're broaching how to fund that and where we can make requests and how much that is going to cost."

For more information on Massachusetts' Coastal Access Legal and Mediation Service, contact Geordie Vining with the Department of Environmental Management at 617-727-9530, ext. 528.

New program manager brings leadership experience to Center



JEFF PAYNE

Dr. Jeffrey L. Payne joined the Coastal Services Center in December as program manager. As second in command, Payne

brings years of experience in administrative and environmental affairs.

Before joining the Center, Payne served as deputy director in NOAA's Office of Policy and Strategic Planning, in Washington, DC, where he helped direct the NOAA strategic plan and provided policy, program development, and budget support to the office of the Undersecretary for Oceans and Atmosphere.

From 1991 to 1994, Payne worked for the Office of Management and Budget in the Executive Office of the President. He served as examiner for the programs and budget of NOAA, including review and development

of agency programs and legislative and regulatory requirements; preparation of formal presidential budget submissions; and coordination and negotiation of issues with interagency, congressional, and non-federal interests.

Payne also served a year on Capitol Hill as a Congressional Science and Engineering Fellow.

Before entering federal service, Payne was a research associate of the Geodynamics Research Institute at Texas A&M University, with interests in marine geophysical processes and field work. He received his Ph.D. in oceanography from Texas A&M in 1989, and has authored more than 20 publications.

A call for comments

During the past several months, the *Coastal Services* staff has spoken with many of our colleagues in the coastal resource management community about the focus of this publication and what's in store for future issues.

The following represent a few of the story ideas we are working on:

- Section 6217: We take a look at the federal law dealing with the control of non-point source pollution and the dynamic that exists between state programs charged with creating control systems and the federal agencies responsible for approving the programs.

- Hazards: More and more attention is being focused here; we will profile a CD-ROM designed to help coastal counties prepare for threats to their communities.

- Habitat restoration: Federal legislation has created major opportunities for wetland restoration and protection in coastal states, with an emphasis on Louisiana. Early results have been promising.

Also in the works are a profile of the AmeriCorps program and what it can mean for coastal resource managers; and a look at a South Carolina program designed to improve post-storm damage assessment.

Finally, we are interested in hearing what you want to see on these pages. If you have a particular story in mind, let us know. We welcome – and need – your input.

Send comments to Aaron Sheinin via e-mail at asheinin@csc.noaa.gov or mail to 2234 South Hobson Avenue, Charleston, SC 29405-2413. You may also contact him by phone at 800-789-2234 or fax at 803-974-6313.



A poll by the U.S. Boat Owners' Association revealed Americans' "Obsession" with their crafts.

Obsession is the most popular boat name in the land, the survey revealed.

The rest of the top 10, in order, are: Odyssey, Osprey, Escape, Liquid Asset, Wet Dream, Serenity, Hakuna Matata (Swahili for "no worries" from *The Lion King*), Fantasea, and Therapy.

Source: Editor's Workshop